

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

| | | |
|----------------------------------|---|----------------------------|
| MASS ENGINEERED DESIGN, INC., |) | |
| and |) | |
| JERRY MOSCOVITCH, |) | |
| |) | |
| Plaintiffs, |) | |
| Counter-defendants, |) | CASE NO.: 2-06CV-272 (LED) |
| |) | |
| v. |) | |
| |) | JURY TRIAL DEMANDED |
| ERGOTRON, INC., CDW CORPORATION, |) | |
| TECH DATA CORPORATION, and DELL |) | |
| INC, |) | |
| |) | |
| Defendants, |) | |
| Counterclaimants, |) | |
| |) | |
| and |) | |
| |) | |
| DELL MARKETING L.P., |) | |
| |) | |
| Intervenor-Defendant and |) | |
| Counterclaimaint. |) | |

NOTICE REGARDING PROPOSED TECHNICAL ADVISORS

Defendants Dell Inc. and Dell Marketing L.P. (collectively "DELL") hereby file notice seeking to clarify Plaintiffs MASS Engineered Design, Inc. and Jerry Moscovitch's September 20, 2007 Notice of Proposed Technical Advisors.

As an initial matter, DELL suggests to the Court that because of the technology and claims at issue in this matter, a technical advisor is not necessary. However, should the Court wish to appoint one, DELL identifies the following technical advisors for the Court's consideration and selection:

Max Peterson
Rich Egan
Gale Peterson

Plaintiffs identified Danny Williams, Lou Brucculeri, and Michael McLemore as potential technical advisors. Counsel for DELL, Wilson Sonsini Goodrich and Rosati, P.C. ("WSGR"), is currently opposing counsel to Danny Williams in *Constellation IP, LLC v. Allstate Corp., et al.*, Case No. 5:07-CV-00132(LED), before this Court. Furthermore, WSGR has been adverse to Plaintiffs' other proposed technical advisors on at least one occasion and is likely to be adverse to them again, possibly before resolution of this litigation. Each of DELL's proposed technical advisors, by contrast, are neither currently, nor likely to be, adverse to any of the parties or counsel in this matter. Plaintiffs have yet to accept, reject or otherwise respond to DELL's proposed technical advisors.

Dated: September 26, 2007.

Respectfully submitted

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

A handwritten signature in black ink, appearing to read "M. Craig Tyler". The signature is fluid and cursive, with the first name "M." and last name "Tyler" clearly distinguishable.

By: _____

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Attorneys for Defendant and Counterclaimant Dell,
Inc. and Dell Marketing, L.P.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 26th day of September, 2007, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

A handwritten signature in black ink, appearing to read "M. Craig Tyler", is positioned above a horizontal line.

M. Craig Tyler